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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,566	10/16/2003	Jayadev Billa	BBNT- P01-087	7175
28120 7590 03/12/2007 FISH & NEAVE IP GROUP ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT	PAPER NUMBER
			2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/685,566

Applicant(s)

BILLA ET AL.

Examiner

Jakieda R. Jackson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 30** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. **Claim 30** is drawn to a "program" *per se* as recited in the preamble and as such is/are non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are

Art Unit: 2626

not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-7, 10-15, 17-21, 24-28 and 30** are rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al. (USPN 6,999,918), hereinafter referenced as Ma.

Regarding **claims 1, 10, 24 and 30**, Ma discloses a method, system, device and medium, hereinafter referenced as a method, for specifying a pronunciation of a word comprising:

receiving a written version of the word defined by a series of characters (written; column 3, lines 1-30);

separating the written version of the word into the series of characters (parsed to separate; column 4, lines 4-20); and

Art Unit: 2626

generating symbols that define a pronunciation of the word based solely on the series of characters (pronunciation of the word; column 4, lines 4-49 with column 2, lines 28-49).

Regarding **claim 2**, Ma discloses a method wherein receiving a written version of the word includes:

receiving the written version of the word from a user (written; column 3, lines 1-30).

Regarding **claims 3 and 11**, Ma discloses a method wherein receiving a written version of the word includes:

receiving the written version of the word from a program that automatically scans a network (programming instructions; column 3, lines 1-30).

Regarding **claims 4, 12, 18 and 25**, Ma discloses a method wherein the generated symbols have a one-to-one correspondence with the series of characters (characters/symbols; column 3, line 1 – column 4, line 49).

Regarding **claims 5, 13, 19 and 26**, Ma discloses a method wherein the generated symbols correspond to predetermined character groupings from the series of characters (groups; column 4, lines 4-49).

Regarding **claims 6, 14, 20 and 27**, Ma discloses a method wherein the predetermined character groupings are determined based on a statistical analysis of a language (probability; column 2, lines 50-67 with column 3, lines 58 – column 7, line 15).

Art Unit: 2626

Regarding **claims 7, 15, 21 and 28**, Ma discloses a method wherein the statistical analysis is based on frequency of occurrence of the words in the language (how frequently; column 2, lines 50-55 with column 4, lines 58-67 and column 7, lines 16-35).

Regarding **claim 17**, Ma discloses a method comprising:

configuring a dictionary creation (dictionary) component to generate symbols (symbols) that represent pronunciations of words in a target language (pronunciation), the symbols being generated based solely on written representations of the words (written) and the configuring being performed based on the target language (column 2, line 28 – column 4, line 49);

providing the dictionary creation component with written words (written; column 3, lines 1-30); and

receiving the symbols that represent pronunciations of the written words from the dictionary creation component (pronunciation; column 3, line 1 – column 4, line 49).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 8-9, 16, 22-23 and 29** are rejected under 35 U.S.C. 103(a) as being obvious over Ma in view of Renegar (USPN 6,024,571).

Regarding **claims 8, 16, 22 and 29**, Ma discloses a method for specifying a pronunciation of a word, but does not specifically teach classifying the word.

Renegar discloses a multi-tiered network (column 5, lines 19-31) wherein the system selects groups of frequently-used words/phrases that are functionally grouped and categorized (column 7, lines 43-49) and providing a written, phonetic interpretation of speech (column 19, line 60 - column 20, line 27) further comprising:

classifying the word into one of a predetermined plurality of classifications (grouping words; column 6, lines 1-14 with column 11, lines 25-49 and column 39, lines 46-58); and

generating the symbols based on the classification of the word (sound-symbolization; column 18, line 17 – column 18, line 19), for rapid data processing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ma's method wherein it teaches classifying words, as taught by Renegar, to provide permanent displays of linguistic data in a graphic framework that complements cognitive processing and minimizes the eye and hand movements required for rapid data-accessing.

Regarding **claims 9 and 23**, Ma discloses a method wherein the classifications are based on word affixes (prefixes, suffixes, etc.; column 2, lines 28-49 with column 3, lines 1-30).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Waryas et al. (USPN 6,714,911) disclose a speech transcription and analysis system and method.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ

March 6, 2007



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